

Assembly Bill No. 2522

CHAPTER 833

An act to add Section 51220.4 to the Education Code, to add Article 4 (commencing with Section 894.6) to Chapter 8 of Division 1 of the Streets and Highways Code, and to amend Sections 1666, 21455.6, 21950, 21956, and 42001 of, and to add Sections 11113.3, 11219.3, 21949, 21950.5, 21970, 21971, 42001.17, and 42001.18 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 28, 2000. Filed
with Secretary of State September 29, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, Shelley. Vehicles: pedestrians: bicyclists.

(1) Existing law, the California Bicycle Transportation Act, declares that it is the intent of the Legislature to establish a bicycle transportation system to, among other things, achieve the functional commuting needs of the public.

The bill would establish the Pedestrian Safety Account in the State Transportation Fund to be available, upon appropriation, for allocation by the Department of Transportation to local governmental agencies approved for grants to undertake pedestrian safety improvement projects, including projects designed to improve facilities for pedestrians and bicyclists in areas where need has been demonstrated by high pedestrian injuries or fatalities.

(2) Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as specified.

This bill would prohibit any person from unnecessarily stopping a vehicle in a manner that causes the vehicle to block a marked or unmarked crosswalk or sidewalk. The bill would thereby create a new crime and impose a state-mandated local program. The bill would also impose specified fines for certain violations that result in bodily injury to anyone other than the driver.

The bill would require the department to include at least one question in each test of an applicant's knowledge and understanding of the provisions of the Vehicle Code, as administered by the department, to verify that the applicant has read and understands the rights of pedestrians.

The bill would impose a mandatory penalty of \$100 for a first conviction of violating a specified provision that prohibits the driver of a vehicle from overtaking and passing a vehicle that has stopped

at a marked or unmarked crosswalk to permit a pedestrian to cross the roadway.

This bill would prohibit the removal of existing marked crosswalks without giving the public proper notice and opportunity to be heard, thereby imposing a state-mandated local program.

(3) Existing law authorizes the use of automated enforcement systems at official traffic control signals and requires any city using the systems to provide warning notices prior to issuing citations.

This bill would provide that the authorization to use automated enforcement systems does not include the use of photo radar for speed enforcement purposes by any jurisdiction.

(4) Existing law requires the Director of Motor Vehicles to prescribe rules and regulations for driving schools and for traffic violator schools regarding, among other things, the conduct of courses of education including the curriculum.

This bill would require the curriculum in those schools to include the rights and duties of motorists as they pertain to pedestrians and the rights and duties of pedestrians as they pertain to traffic laws and traffic safety.

(5) Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include, among other courses, automobile driver education.

This bill would require the automobile driver education component to include the rights and the duties of a motorist as they pertain to pedestrians and the rights and duties of pedestrians as they relate to traffic laws and traffic safety. Because this would increase the level of service required of school districts, the bill would impose a state-mandated local program.

(6) The Budget Act of 2000 (Ch. 52, Stats. 2000) made available \$8,000,000 that was appropriated for a competitive grant program to fund local pedestrian safety and intersection traffic control measures pursuant to enabling legislation enacted during the 1999–2000 Regular Session.

This bill would transfer those funds to the Pedestrian Safety Account described above.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains

costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Pedestrian Safety Act of 2000.

SEC. 2. The Legislature hereby finds and declares all of the following:

(a) Pedestrians account for more than 20 percent of all traffic fatalities in California.

(b) Pedestrian fatalities are the second leading cause of accidental death for California children five to twelve years of age.

(c) Nearly 5,000 pedestrians are injured every year on California's streets and highways.

(d) Pedestrian safety projects currently receive less than one percent of all transportation funding in California.

(e) It is in the best interest of the people of the State of California that the Legislature adopt policies that address pedestrian safety and recognize the priority of pedestrian safety projects in overall transportation spending.

SEC. 3. (a) Notwithstanding Provision 4 of Item 2660-101-0042 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000), the amount appropriated pursuant to that provision shall be transferred to the Pedestrian Safety Account in the State Transportation Fund.

(b) The enactment of this act constitutes implementation of Provision 4 of Item 2660-101-0042 of Section 2.00 of the Budget Act of 2000 within the meaning of that provision.

SEC. 3.1. Section 51220.4 is added to the Education Code, to read:

51220.4. For purposes of subdivision (j) of Section 51220, a course in automobile driver education shall include, but is not limited to, education regarding the rights and duties of a motorist as those rights and duties pertain to pedestrians and the rights and duties of pedestrians as those rights and duties pertain to traffic laws and traffic safety.

SEC. 3.2. Article 4 (commencing with Section 894.6) is added to Chapter 8 of Division 1 of the Streets and Highways Code, to read:

Article 4. California Pedestrian Safety Account

894.6. The Pedestrian Safety Account is hereby established in the State Transportation Fund for expenditure by the department, upon appropriation, for the purposes of funding grants awarded pursuant to Section 894.7.

894.7. (a) The department shall make grants available to local governmental agencies based on the results of a statewide

competition that requires submission of proposals for funding and rates those proposals on all of the following factors:

(1) Needs of the applicant as demonstrated by a high rate of pedestrian injuries or fatalities.

(2) Potential of the proposal for reducing pedestrian injuries and fatalities.

(3) Potential of the proposal for encouraging increased walking.

(b) Priority for grants shall be given to applicants with the highest pedestrian injury and fatality rates.

(c) Eligible projects may include, but are not limited to, traffic calming measures, intersection safety improvements, traffic signal timing, crosswalk construction or improvements, and any traffic safety or enforcement program authorized by law.

(d) A grant recipient shall engage in public education efforts to encourage pedestrian safety and awareness that may include a pedestrian safety program.

(e) The department shall award the grants as expeditiously as possible.

894.8. The department, in cooperation with county and city governments, the Department of the California Highway Patrol, and relevant stakeholders, shall adopt the necessary guidelines for implementing this article.

SEC. 4. Section 1666 of the Vehicle Code is amended to read:

1666. The department shall do all of the following:

(a) Include at least one question in each test of an applicant's knowledge and understanding of the provisions of this code, as administered pursuant to Section 12804 or 12814, to verify that the applicant has read and understands the table of blood alcohol concentration published in the Driver's Handbook made available pursuant to subdivision (b) of Section 1656. In order to minimize costs, the question or questions shall be initially included at the earliest opportunity when the test is otherwise revised or reprinted.

(b) Include with each driver's license or certificate of renewal and each vehicle registration renewal mailed by the department, information that shows with reasonable certainty the amount of alcohol consumption necessary for a person to reach a 0.08 percent blood alcohol concentration by weight.

(c) Include at least one question in each test of an applicant's knowledge and understanding of the provisions of this code as administered pursuant to Section 12804 or 12814, to verify that the applicant has read and understands the rights of pedestrians. In order to minimize costs, the question or questions shall be initially included at the earliest opportunity when the test is otherwise revised or reprinted.

SEC. 5. Section 11113.3 is added to the Vehicle Code, to read:

11113.3. The rules and regulations adopted pursuant to Section 11113 regarding the curriculum shall include, but are not limited to,

the rights and duties of a motorist as they relate to traffic laws and traffic safety.

SEC. 5.5. Section 11219.3 is added to the Vehicle Code, to read:

11219.3. The curriculum prescribed pursuant to Section 11219 shall include, but is not limited to, the rights and duties of a motorist as they pertain to pedestrians and the rights and duties of a pedestrian as they relate to traffic laws and traffic safety.

SEC. 5.5. Section 11219 of the Vehicle Code is amended to read:

11219. The director may prescribe rules and regulations for traffic violator schools regarding the conduct of courses of education including curriculum, facilities, and equipment. The curriculum shall include, but is not limited to, the rights and duties of a motorist as they pertain to pedestrians and the rights and duties of a pedestrian as they relate to traffic laws and traffic safety. The director may also prescribe rules and regulations for the conduct of instructor training courses.

SEC. 6. Section 21949 is added to the Vehicle Code, to read:

21949. (a) The Legislature hereby finds and declares that it is the policy of the State of California that safe and convenient pedestrian travel and access, whether by foot, wheelchair, walker, or stroller, be provided to the residents of the state.

(b) In accordance with the policy declared under subdivision (a), it is the intent of the Legislature that all levels of government in the state, particularly the Department of Transportation, work to provide convenient and safe passage for pedestrians on and across all streets and highways, increase levels of walking and pedestrian travel, and reduce pedestrian fatalities and injuries.

SEC. 7. Section 21455.6 of the Vehicle Code is amended to read:

21455.6. (a) A city council or county board of supervisors shall conduct a public hearing on the proposed use of automated enforcement systems authorized pursuant to Section 21455.5 prior to that city or county entering into a contract for the use of those systems.

(b) The authorization in Section 21455.5 to use automated enforcement systems does not authorize the use of photo radar for speed enforcement purposes by any jurisdiction.

SEC. 8. Section 21950 of the Vehicle Code is amended to read:

21950. (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) This section does not relieve a pedestrian from the duty of using due care for his or her safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.



(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian.

(d) Subdivision (b) does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

SEC. 9. Section 21950.5 is added to the Vehicle Code, to read:

21950.5. (a) An existing marked crosswalk may not be removed unless notice and opportunity to be heard is provided to the public not less than 30 days prior to the scheduled date of removal. In addition to any other public notice requirements, the notice of proposed removal shall be posted at the crosswalk identified for removal.

(b) The notice required by subdivision (a) shall include, but is not limited to, notification to the public of both of the following:

(1) That the public may provide input relating to the scheduled removal.

(2) The form and method of providing the input authorized by paragraph (1).

SEC. 10. Section 21956 of the Vehicle Code is amended to read:

21956. (a) No pedestrian may walk upon any roadway outside of a business or residence district otherwise than close to his or her left-hand edge of the roadway.

(b) A pedestrian may walk close to his or her right-hand edge of the roadway if a crosswalk or other means of safely crossing the roadway is not available or if existing traffic or other conditions would compromise the safety of a pedestrian attempting to cross the road.

SEC. 11. Section 21970 is added to the Vehicle Code, to read:

21970. (a) No person may stop a vehicle unnecessarily in a manner that causes the vehicle to block a marked or unmarked crosswalk or sidewalk.

(b) Subdivision (a) does not preclude the driver of a vehicle facing a steady circular red light from turning right or turning left from a one-way street onto a one-way street pursuant to subdivision (b) of Section 21453.

SEC. 12. Section 21971 is added to the Vehicle Code, to read:

21971. Notwithstanding any other provision of law, any person who violates subdivision (a) or (b) of Section 21451, subdivision (b) of Section 21453, subdivision (a) of Section 21950, or Section 21952, and causes the bodily injury of anyone other than the driver is guilty of an infraction punishable under Section 42001.18.

SEC. 13. Section 42001 of the Vehicle Code is amended to read:

42001. (a) Except as provided in Section 42000.5, 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9, 42001.11, 42001.12,



42001.14, 42001.15, 42001.16, or subdivision (a) of 42001.17, or Section 42001.18, or subdivision (b) or (c) of this section, or Article 2 (commencing with Section 42030), every person convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished as follows:

(1) By a fine not exceeding one hundred dollars (\$100).

(2) For a second infraction occurring within one year of a prior infraction which resulted in a conviction, a fine not exceeding two hundred dollars (\$200).

(3) For a third or any subsequent infraction occurring within one year of two or more prior infractions which resulted in convictions, a fine not exceeding two hundred fifty dollars (\$250).

(b) Every person convicted of a misdemeanor violation of Section 2800, 2801, or 2803, insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, shall be punished as follows:

(1) By a fine not exceeding fifty dollars (\$50) or imprisonment in the county jail not exceeding five days.

(2) For a second conviction within a period of one year, a fine not exceeding one hundred dollars (\$100) or imprisonment in the county jail not exceeding 10 days, or both that fine and imprisonment.

(3) For a third or any subsequent conviction within a period of one year, a fine not exceeding five hundred dollars (\$500) or imprisonment in the county jail not exceeding six months, or both that fine and imprisonment.

(c) A pedestrian convicted of an infraction for a violation of this code or any local ordinance adopted pursuant to this code shall be punished by a fine not exceeding fifty dollars (\$50).

(d) Notwithstanding any other provision of law, any local public entity that employs peace officers, as designated under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, the California State University, and the University of California may, by ordinance or resolution, establish a schedule of fines applicable to infractions committed by bicyclists within its jurisdiction. Any fine, including all penalty assessments and court costs, established pursuant to this subdivision shall not exceed the maximum fine, including penalty assessment and court costs, otherwise authorized by this code for that violation. If a bicycle fine schedule is adopted, it shall be used by the courts having jurisdiction over the area within which the ordinance or resolution is applicable instead of the fines, including penalty assessments and court costs, otherwise applicable under this code.

SEC. 14. Section 42001.17 is added to the Vehicle Code, to read:

42001.17. Notwithstanding any other provision of law, every person convicted of an infraction for a violation of Section 21951 shall be punished as follows:

(a) For the first infraction, by a fine of one hundred dollars (\$100).

(b) For a second infraction for a violation of Section 21951 occurring within one year of a prior infraction of violating of that section that resulted in a conviction, by a fine not exceeding two hundred dollars (\$200), as provided in paragraph (2) of subdivision (a) of Section 42001.

(c) For a third or any subsequent infraction for a violation of Section 21951 occurring within one year of two or more prior infractions of violating that section that resulted in convictions, by a fine not exceeding two hundred fifty dollars (\$250), as provided in paragraph (3) of subdivision (a) of Section 42001.

SEC. 15. Section 42001.18 is added to the Vehicle Code, to read:

42001.18. Notwithstanding any other provision of law, every person convicted of an infraction for a violation of Section 21971 shall be punished as follows:

(a) For the first infraction, by a fine of two hundred twenty dollars (\$220).

(b) For a second infraction for a violation of Section 21971 occurring within one year of a prior violation of that section that resulted in a conviction, by a fine of three hundred twenty dollars (\$320).

(c) For a third or any subsequent infraction for a violation of Section 21971 occurring within one year of two or more prior infractions of violating that section that resulted in convictions by a fine of three hundred seventy dollars (\$370).

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.